

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12cr21-MOC

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	PRELIMINARY ORDER OF
v.)	FORFEITURE
)	
MIGUEL EDUARDO SILVA,)	
)	
Defendant.)	

In the Bill of Indictment in this case, the United States sought forfeiture of property of the defendant as property that was used or intended to be used to facilitate the crime(s) charged, which would be subject to forfeiture under 18 U.S.C. § 924(d), 21 U.S.C. § 853, and 28 U.S.C. § 2461(c). The government now moves for a Preliminary Order of Forfeiture as to defendant's property in this case pursuant to Fed. R. Crim. P. 32.2(b).

Defendant was convicted at trial by the jury on Count Three in the Superseding Bill of Indictment and was found guilty of the offense charged in that count in violation of 18 U.S.C. § 924(c)(1)(A). Based on evidence already in the record, the government has established the requisite nexus between the property and such offenses.

It is therefore ORDERED:

1. Based upon defendant's conviction, the United States is authorized to seize the following property belonging to defendant, and it is hereby forfeited to the United States for disposition in accordance with law, provided, however, that such forfeiture is subject to any and all

third party claims and interests, pending final adjudication herein:

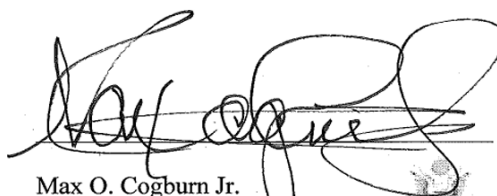
One Colt, model Delta Elite, 10mm pistol, serial number DE00130 and ammunition

2. Pursuant to 21 U.S.C. § 853(n), the government shall publish notice of this order; notice of its intent to dispose of the property in such manner as the Attorney General may direct; and notice that any person, other than defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in property that is the subject of this Order of Forfeiture, as a substitute for published notice as to those persons so notified.

3. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n).

IT IS SO ORDERED.

Signed: October 5, 2012



Max O. Cogburn Jr.
United States District Judge